

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-54	Time filed:	
Changed to Admin. Code Ref. (R no.):			
1.	Agency: Commerce/Division of Occupational and Professional Licensing		
	Room no.:		
	Building: Heber M. Wells Building		
	Street address 1: 160 East 300 South		
	Street address 2:		
	City, state, zip: Salt Lake City UT 84111-2316		
	Mailing address 1: PO Box 146741		
	Mailing address 2:		
	City, state, zip: Salt Lake City UT 84114-6741		
	Contact person(s):		
	Name:	Phone:	Fax:
	Clyde Ormond	801-530-6254	801-530-6511
			cormond@utah.gov
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)			
2.	Title of rule or section (catchline):		
	Radiology Technologist and Radiology Practical Technician Licensing Act Rules		
3.	Type of notice:		
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____		
4.	Purpose of the rule or reason for the change:		
	The Division and the Radiology Technologist Licensing Board are proposing amendments to increase the passing score on examinations required for licensure for radiology practical technicians. The current minimum scores have been in place for at least 10 years and it is felt that the low passing score does not adequately test the knowledge and training of an examinee.		
5.	This change is a response to comments from the Administrative Rules Review Committee.		
	Yes ____; No XX		
6.	Summary of the rule change:		
	Throughout the rule, the term "rules" has been replaced by "rule" where applicable. In Section 302b regarding examination requirements for radiology practical technicians, the minimum passing examination score for the ARRT (American Registry of Radiologic Technologists) is being increased from 65% to 75% and the minimum passing score for the ARRT Bone Densitometry Equipment Operations Examination is being increased from 59% to 75%.		
7.	Aggregate anticipated cost or savings to:		
	A) State budget:		

	<p>The Division will incur minimal costs of approximately \$50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p>
	<p>B) Local government:</p> <p>Proposed amendments only apply to applicants for licensure as a radiology practical technician; therefore, no costs or savings are anticipated for local governments.</p>
	<p>C) Small businesses (fewer than 50 employees) AND persons other than businesses:</p> <p>The proposed amendments will only apply to applicants for licensure as a radiology practical technician and in most cases no small business pays the licensing fees for this type of applicants. Therefore, no costs or savings are anticipated for small businesses. Given the proposed higher minimum passing score required on examinations required for licensure as a radiology practical technician, it may be that fewer applicants will pass the required examination the first time and may need to retake the examination at a cost of \$100. Based on examination figures from applicants who have taken the respective examinations in 2008, 205 individuals were scheduled for the examinations. At the current passing score of 65% on the Limited Scope examination, 56 individuals failed the examination the first time. If the passing rate is raised to 75% as proposed, 76 individuals would have failed the examination. Based on the 2008 examination numbers, the Division anticipates that as a result of increasing the minimum passing score about 10% of persons taking the examinations will need to take the examination more than one time. However, it is anticipated the public will benefit from the proposed amendments in having better qualified licensees as a result of the increase in the examination minimum passing score.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> <p>The proposed amendments will only apply to applicants for licensure as a radiology practical technician. Given the proposed higher minimum passing score required on examinations required for licensure as a radiology practical technician, it may be that fewer applicants will pass the required examination the first time and may need to retake the examination at a cost of \$100. Based on examination figures from applicants who have taken the respective examinations in 2008, 205 individuals were scheduled for the examinations. At the current passing score of 65% on the Limited Scope examination, 56 individuals failed the examination the first time. If the passing rate is raised to 75% as proposed, 76 individuals would have failed the examination. Based on the 2008 examination numbers, the Division anticipates that as a result of increasing the minimum passing score about 10% of persons taking the examinations will need to take the examination more than one time. However, it is anticipated the public will benefit from the proposed amendments in having better qualified licensees as a result of the increase in the examination minimum passing score.</p>
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This proposed rule change requires a higher score on the required examination for radiology practical technicians. Businesses that hire radiology practical technicians could see additional costs if their employees do not pass the examination at the higher level and have to retake the exam, but any such costs should be outweighed by the benefit to the public in receiving services from better qualified providers. No other fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director</p>
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): Section 58-54-1 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)</p>
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>
12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p>
	<p>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 04/14/2009</p>

B) A public hearing (optional) will be held:		
on (mm/dd/yyyy):	at (time):	At (place):
04/02/2009	1:00 pm	160 East 300 South, Conference Room 475 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy): 04/21/2009	
NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):	
	licensing	radiology technologists
	radiology practical technicians	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-54.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
AGENCY AUTHORIZATION		
Agency head or designee, and title:	F. David Stanley, Director	Date (mm/dd/yyyy): 02/26/2009

R156. Commerce, Occupational and Professional Licensing.

R156-54. Radiology Technologist and Radiology Practical Technician Licensing Act Rule[s].

R156-54-101. Title.

Th[ese] is rule[s-are] is known as the "Radiology Technologist and Radiology Practical Technician Licensing Act Rule[s]."

R156-54-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 54, as used in Title 58, Chapters 1 and 54 or th[ese] is rule[s]:

(1) "ARRT" means the American Registry of Radiologic Technologists.

(2) "Practice as a radiology practical technician" means using radiological equipment limited to specific radiographic procedures on specific parts of the human anatomy as contained in the American Registry of Radiologic Technologists (ARRT) "Content Specifications for the Examination for the Limited Scope of Practice in Radiography", effective January 2006, which is hereby incorporated by reference.

(3) "Supervision", "general supervision" or "direct supervision" as used in Subsections 58-54-2(5), (6) and (7) and Section 58-54-8 means that the supervising radiologist or radiology practitioner shall be available for consultation while the radiology technologist or the radiology practical technician is performing any radiographic procedures. Consultation may be in person, by telephone, by radio or any other means of direct verbal communication. The supervising radiologist or radiology practitioner shall be responsible for the radiographic procedures performed by the radiology technologist or the radiology practical technician.

(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 54, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-54-502.

R156-54-103. Authority - Purpose.

Th[ese] is rule[s-are] is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 54.

R156-54-302b. Examination Requirements - Radiology Practical Technician.

In accordance with Subsection 58-54-5(3), the examination requirement for licensure as a radiology practical technician requires passing:

(1) the ARRT Limited Scope of Practice in Radiography Examination with a minimum score of [65] 75% for the following:

- (a) core; and
- (b) one or more of the following sections:
 - (i) chest;
 - (ii) extremities;
 - (iii) skull/sinuses;
 - (iv) spine; and
 - (v) podiatric; or

(2) the ARRT Bone Densitometry Equipment Operators Examination (BDEO) with a minimum score of [~~59~~] 75%.

KEY: licensing, radiology technologists, radiology practical technicians

Date of Enactment or Last Substantive Amendment: [~~July 31, 2006~~] 2009

Notice of Continuation: January 9, 2007

Authorizing, and Implemented or Interpreted Law: 58-54-1; 58-1-106(1)(a); 58-1-202(1)(a)